

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Yard Metals, Inc.,	:	Case No. 1:08CV1275
	:	
Plaintiff	:	
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Highway Metal Services, Inc.,	:	
	:	MEMORANDUM OPINION
Defendant	:	

On February 13, 2009 the plaintiff moved for “Summary Judgment, as pled in the Complaint in this case,” without specifying a dollar amount.

When that motion remained unopposed as of April 13, 2009 this Court communicated with defendant’s counsel, advising that “Unless within five days I receive a motion for leave to respond, with an explanation of extenuating circumstances justifying your failure to take timely action. I shall grant the summary judgment motion for want of opposition.”

The following day defendant’s counsel responded advising that his client was going out of business and that it was unlikely that any response to the plaintiff’s motion would be forthcoming. None has been filed.

This Court, therefore, will grant the plaintiff’s motion and enter judgment in the amount of \$337,434.54, as prayed for in the complaint, plus interest according to law.

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: April 28, 2009